



OFFICE OF THE CHIEF INFORMATION OFFICER



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

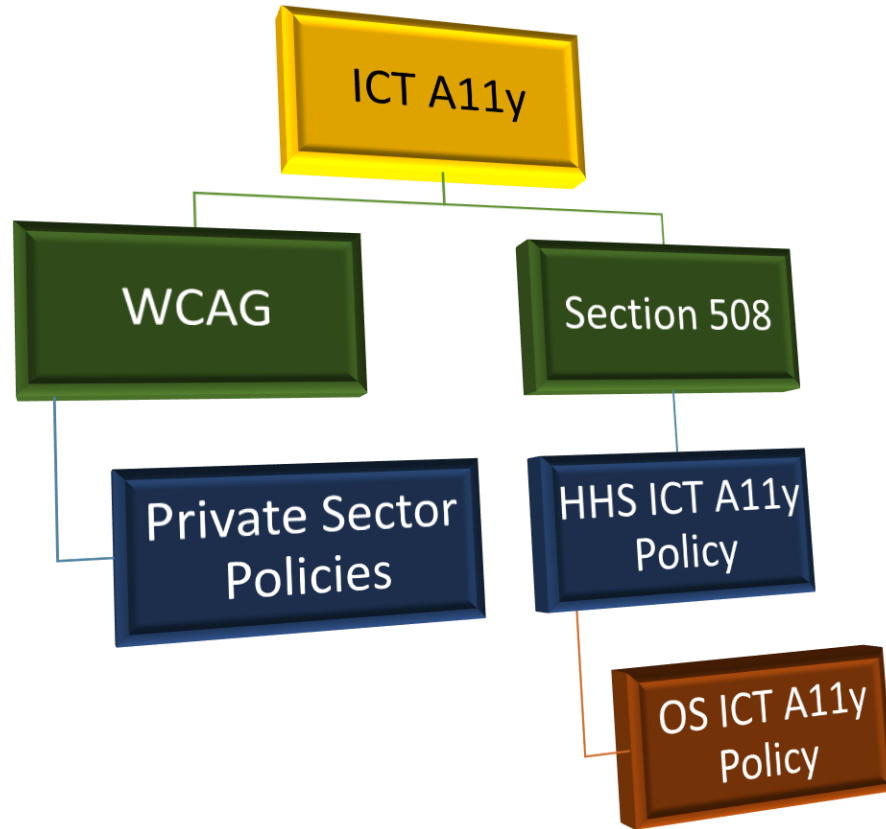
Incorporating Accessibility: Post-Award

HHS & OS Accessibility Program

May 2022

Accessibility Structure & Terminology

Digital accessibility is a field that encompasses several laws, standards, and components.



- **ICT:** Information & Communications Technology
 - Nearly synonymous with **EIT** (Electronic Information Technology)
- **A11y:** Accessibility – There are 11 letters between the A & Y.
- **WCAG:** Web Content Accessibility Guidelines

Section 508 Applicability



Definitions

- **Section 508:** A set of standards that must met to enable people with disabilities to be informed, perform work, receive government benefits, and conduct business.
- **Section 508 Conformance:** Anytime the government “develops, procures, maintains, or uses” information and communications technology (ICT) the information and data must be available to persons with disabilities.
- **Accessible:** How successfully people with a disability can locate, get to, and understand information they want or need.

Content Applicability

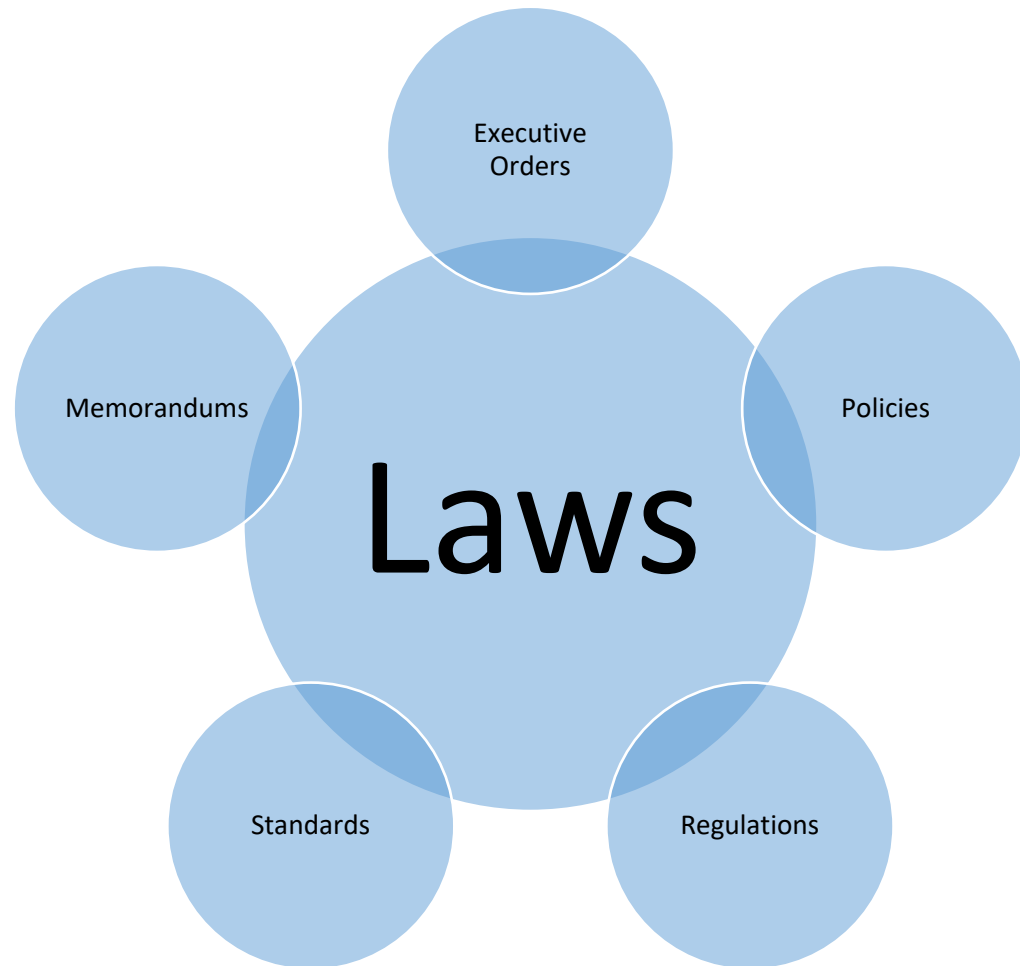
- ICT includes software, hardware, and products that people use to obtain, retrieve, and communicate information electronically.
- Other applicable inclusions:
 - Software used but not purchased by the Federal Government.
 - Posting to and the use of social media sites
 - Access to all support materials. Includes, but is not limited to, user guides, installation guides, customer support, and technical support communications.

Disability Groups

- Photosensitive epilepsy
- Cognitive impairments
- Limited language, cognitive and learning abilities
- Deaf or limited hearing
- Blind or limited vision
- Without perception of color
- Non-verbal or limited speech
- Limited manipulation
- Limited reach and strength



Legal Authorities and Drivers for Accessibility



Most Relevant Mandates:

- Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., as amended, Sections 504 and 508, 29 U.S.C. §§ 794, 794(d), as amended in 2018
- Federal Information Technology Acquisition Reform Act (FITARA), Public Law 113-291, div. A, tit. VIII, Subtitle D, 128 Stat. 3292, 3438-50 (2014)
- HHS Acquisition Regulation (HHSAR)
- HHS Policy for Section 508 Compliance and Accessibility of Information and Communications Technology (ICT)
- Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce, June 25, 2021
- Web Content Accessibility Guidelines (WCAG)

[List of Applicable Accessibility Laws and Mandates](#)

Misbeliefs, Excuses, and Facts



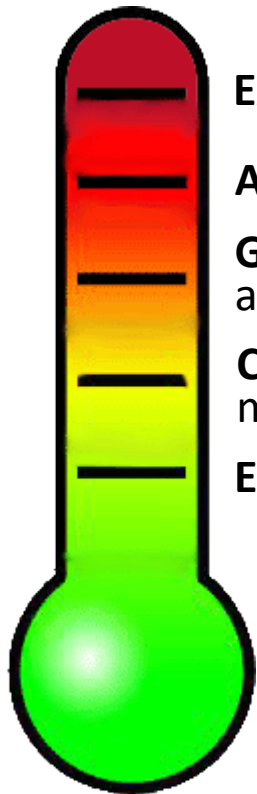
Myths

- No issues appear in the ACR [VPAT]; therefore, it is accessible.
- <Insert product/service name> is used at <insert agency name>, so it is accessible.
- The <product/service> is approved for use/FedRAMP/on the GSA schedule, so it is accessible.
- An automated scanning tool was run, and it came back with no errors, so <product/service> is accessible.
- <Product/service> had a Section 508 evaluation <insert # 1+ years ago> and had no issues, so it is accessible.
- I'm not real familiar with accessibility [Section 508], but our team has made it accessible!
- The <product/service> was used with a screen reader and worked just fine, so it is accessible.
- No one using <product/service> has a disability, so it doesn't need to be accessible.
- It takes too much time and/or is too confusing.

Facts

- Section 508 is NOT part of the ADA (Americans with Disabilities Act), but IS a part of the Rehabilitation Act of 1973, as amended.
- All content developed or modified on or after January 18, 2018 must conform to the revised Section 508 standards
- Content developed between 2001 and prior to January 18, 2018 (that has not been modified since) must conform to the original Section 508 standards.
- Standards: 36 C.F.R. § 1194.1 & Apps. A, B, C & D
- Functional performance criteria apply when using an alternative design or technology that achieves substantially equivalent or greater accessibility and usability, than by conformance to one or more of the requirements in Chapters 4-6 of the Revised 508 Standards, or when Chapters 4-6 do not address one or more functions of ICT.

Life Cycle Risk & Impact



Exclude: Does not include or consider accessibility

Acknowledge: Checks a box

Guidance: Seek out information from an authoritative source

Collaborate: Interact with authoritative source to make specific ICT decisions

Embed: Accessibility drives decisions

Step	Severity	Engagement
Market Research	Negligible	Acknowledged
Project Requirements	Critical	Embedded
Language in SOO/SOW/PWS	Catastrophic	Guidance
ACR Collected	Moderate	Embedded
SME on TEP	Negligible	Excluded
Accessibility Life Cycle Milestones	Catastrophic	Collaborated

Probability of Non-Conformance: Moderate

Probability of Non-Conformance: Low, Moderate, High, Very Risky

Severity: Negligible, Moderate, Critical, Catastrophic

Engagement: Exclude, Acknowledge, Guidance, Collaborate, Embed

A11y Throughout the Life Cycle

- Include accessibility standards and practices in every stage of the product or service development life cycle, but especially the beginning stages.
 - Incorporating at the beginning reduces remediation effort, time and cost.
- Actions such as (but not limited to) the following must be tested for conformance:
 - Major software version upgrades / releases
 - Website content updates
 - Hardware upgrades
 - Content creation
 - Design / user experience changes (i.e. swapping drop downs for radio buttons; changes to navigation methods; etc.)
- ICT may involve layers of testing to ensure conformance such as unit testing (by the developer), independent third-party testing and official Section 508 team verification.

By law, a limited number of exceptions exist. Anything that can be made accessible must conform. Most exceptions only exempt a specific feature or function. The remainder of the product or content must conform to the standards.

The legal exceptions include:

- a) Legacy ICT Exception
- b) National Security Systems Exception
- c) Federal Contracts Exception
- d) ICT Functions Located in Maintenance or Monitoring Spaces Exception
- e) Undue Burden or Fundamental Alteration Exception
- f) Best Meets Exception (a product that best meets the standards)

Note: Per the HHS policy, requests for exceptions must be evaluated and determined by the HHS & OS Accessibility Program.

FAQs

1) Who is responsible for conformance?

Contract officers (CO), contracting officer representatives (COR), product owners, project managers, development teams, and other staff involved in the ICT life cycle.

Where Section 508 language exists in a contract the contractor is responsible for ensuring conformance. Ultimately though, the government is who will be accountable for conformance. If a contractor is not available, the responsibility falls to the government to ensure conformance.

2) Must services contracts conform to accessibility requirements?

Yes, any ICT work being done must conform to HHS accessibility requirements. Regardless of whether the work is generating reports, writing articles, or conducting O&M on systems, any user impact changes to the ICT must be reviewed for conformance.

3) What is needed to confirm approval of content for distribution or release?

All ICT owned or managed by OS (including all StaffDivs) must be reviewed by the OS Accessibility Program. Per [HHS policy](#), the HHS & OS Accessibility Program has the authority to authorize, reject, or determine conformance guidelines for ICT. An [intake form](#) [intranet link] must be submitted along with any accompanying documents or information. Upon review, the appropriate [HHS checklist\(s\)](#) will be provided to the submitter. Once the checklists reflect full conformance, the content can be distributed or released.

Engaging the Project Stakeholders

Project Conformance Questions

- Has the HHS & OS Accessibility Program been engaged and provided a conformance report?
- What accessibility credentials and review tools have & will be used to test all ICT?
- What risk is associated with the possible release of non-conformant ICT and what process is in place to address the complaints?
- Is the system or product currently or in the future using 3rd party plug-ins to generate content?
- If implementing a Commercial off the Shelf (COTS) product, does the project team have code-level access to make necessary modifications?
- Does the system or product contain any system/product documentation, training, or exportable/downloadable content?

Responding & Reacting

- ✓ Engage the HHS & OS Accessibility Program early and often throughout the project life cycle to ensure conformance measures are being met.
- ✓ Accessibility baselines need to be established with the project team so that conformance can be monitored at each step/stage.
- ✓ Provide users with a contact or resource mailbox. Determine escalation, prioritization, and severity criteria to address complaints.
- ✓ 3rd party plug-ins must also conform.
- ✓ Low-code options often do not provide enough flexibility to address conformance.
- ✓ All supplemental documentation or exportable content must conform.

Evaluating Complexity

Content Element	Identifiable Examples	General Complexity
Headings	Section titles, bolded, colored, and/or larger size concise phrases	Low
Lists	Group of bulleted or numbered related items	Low
Color Palette	Colors other than black and white, gradient or patterned backgrounds	Low
Media	Video and/or audio, carousels	Moderate
Simple Graphics	Logos; scenery photo; headshot; clipart; filler graphic	Moderate
Tables	Columns and rows of related information, one or more column and/or row headers, grids	High
Interactive Elements	Links; radio buttons; checkboxes, drop downs; list boxes; buttons; menus	High
Complex Graphics	Pie charts; bar graphs; organizational charts; process flows; line graphs; floor diagrams; infographics; images of text (i.e. cartoons)	High

Rapid Content Evaluations

- Can all interactive elements (i.e. links, buttons, menus, form fields, etc.) be navigated to and away from with the keyboard?
 - Can the elements be tabbed to in a logical order (i.e. top to bottom, left to right)?
 - Is there a dotted rectangle or other visual indication upon pressing TAB?
 - Does an action occur after pressing ENTER / RETURN or SPACEBAR?
- Can the text of any element that contains text be selected? (i.e. With an infographic of text or a picture of a table, the text is not selectable)
 - Hold down the left mouse button and attempt to highlight the text.
- Visually inspect each screen for text and images of text that have questionable sufficient contrast between the foreground and background colors.
 - The combination of black & white has the greatest possible contrast. Look for dark shades of a foreground color against a light shade of a background color (and vice versa).
 - If access to the [Colour Contrast Analyser](#) is available, open the tool and use the eye dropper on each of the questionable foreground and background colors. Note whether the contrast ratio provided is at or above 4.5:1 in the analyzer tool.
 - For more information about using color in an accessible manner, visit [USWDS' Using Color guidance](#).

Program Overview

Our Values:

- Facilitate a culture that empowers customers to become self-sufficient through education, consultation, and partnerships with OpDivs, StaffDivs, and the greater accessibility community.
- Foster the implementation of accessible foundations by evaluating ICT conformance to avoid refactoring and minimize the cost throughout a lifecycle.
- Focus on driving accessibility forward by adapting to the growing and changing needs of emerging ICT.

Stakeholders: Focus on engagement

- Communications strategy identifying stakeholder communities
- Understand internal offices' operations and assist with implementing accessibility practices.

Customers: Focus on satisfaction

- Implement process improvements to reduce risk of non-conformance
- Increase educational resources



Resources

- [HHS & OS Accessibility Program](#) (internet)
- [HHS & OS Accessibility Program](#) (intranet)
 - [HHS & OS Accessibility Intake Form](#) (intranet)
- [HHS & OS Accessibility Training Resources](#): Guidance on targeted topics and document authoring tools.
- [HHS Accessibility Compliance Checklists](#) (by content type)
- [HHS Accessibility and Section 508 Policy](#)
- [ITI's Voluntary Product Accessibility Template \(VPAT\)](#): “The Accessibility Conformance Report (ACR) based on the ITI VPAT® is the leading global reporting format for assisting buyers and sellers in identifying information and communications technology (ICT) products and services with accessibility features.” - ITI
- [HHSAR Clause 339.205 Section 508 Accessibility Standards for Contracts](#)
 - Please note: The HHS & OS Accessibility Program has a version available with minor updates. Please contact us for details.
- [GSA's Section508.gov Testing for Accessibility](#): Additional information about testing various formats for conformance.